

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20551

TIMOTHY SPENCER, D-24,

Defendants.

ORDER DIRECTING DEFENDANT TO SUBMIT SUPPLEMENTAL BRIEFING

On January 31, 2014, Defendant Timothy Spencer, filed a “Motion for a Hearing on Defendant’s Competency” pursuant to 18 U.S.C. § 4241. The court must grant the motion “if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a). The motion states that “there is reasonable cause to believe that the Defendant is presently suffering from a physical disease and/or defect rendering him incompetent.” (Pg. ID # 2119.) However, Defendant’s counsel does not point to any symptoms or signs, nor provide anything factual related to a “disease or defect” from which he says Defendant may suffer, or how that disease or defect impacts his ability to understand the nature and consequences of the proceedings. The court presently has no basis on which to decide the motion. Accordingly,

IT IS ORDERED that Defendant Timothy Spencer is DIRECTED to submit a supplemental brief that discusses his alleged physical disease and/or defect by

February 21, 2014.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 7, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522